

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

HEATHER KIERNAN,

Plaintiff,

-v-

CIVIL ACTION NO. 04-10131 MLW

ARMORED MOTOR SERVICE OF
AMERICA, INC. and
FRANCESCO CIAMBRIELLO,

Defendants.

**PLAINTIFF HEATHER KIERNAN'S
MOTION TO COMPEL
AUTOMATIC DISCLOSURES
FROM THE DEFENDANT FRANCESCO CIAMBRIELLO**

Pursuant to Fed.R.Civ.P. 37(a)(2)(A) the Plaintiff in the above captioned matter hereby moves that the Court order the Defendant Francesco Ciambriello to submit his Automatic Disclosures to the Plaintiff within 5 days. In support of this motion, the Plaintiff, by and through her counsel, respectfully represents:

1. On October 7, 2004, the Court (Collings, U.S.M.J.) ordered that Automatic Disclosures under Fed.R.Civ.P. 26(a)(1) be made by October 20, 2004.
2. Under cover of November 8, 2004, the undersigned sent a letter to Defendant Ciambriello's counsel requesting that the Automatic Disclosures be made by November 18, 2004. The letter also served as a request for a Local Rule 7.1(a)(2) conference,

assuming there was an issue that required discussion. A copy of that letter is attached as Exhibit A.

3. As of the date of this motion, there have been no Automatic Disclosures of the Defendant Ciambriello, and no response from Mr. Ciambriello's counsel.

4. Defendant Ciambriello has not made any Automatic Disclosures whatsoever. All other parties have made their disclosures

WHEREFORE, the Plaintiff respectfully requests that this Motion to Compel be GRANTED, and that the Court ORDER:

- a. That the Defendant Ciambriello make his Automatic Disclosures as required by Rule 26(a)(1) within 5 days of the date of the Court's order;
- b. That the Defendant Ciambriello be required to pay the costs of bringing this motion, including but not limited to reasonable attorneys fees, for his violation of this Court's order;
- c. Any additional relief that the Court deems equitable, just and proper.

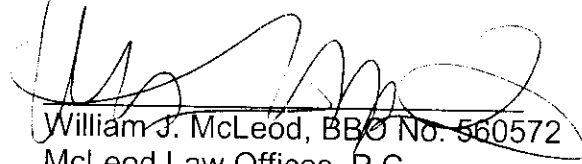
LOCAL RULE 7.1(A)(2) CERTIFICATION

The undersigned respectfully represents that he attempted to resolve the issues which are covered by this motion (see attached letter). The undersigned has not been successful.

THE PLAINTIFF,

By her attorney:

DATED: November 19, 2004


William J. McLeod, BBO No. 560572
McLeod Law Offices, P.C.
77 Franklin Street
Boston, MA 02110
(617) 542-2956

CERTIFICATE OF SERVICE

I hereby certify that on November 19, 2004, a true copy of this document was served via first class mail upon:

Robert P. Joy
Allison K. Romantz
Morgan, Brown & Joy LLP
One Boston Place
Boston, MA 02109

and

David R. Ardito
Bisio and Dupont Building
228 County Street
Attleboro, MA 02703

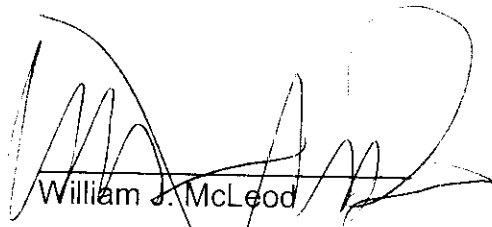

William J. McLeod

Exhibit A

**McLeod Law Offices, P.C.
77 Franklin Street
Boston, Massachusetts 02110
617-542-2956
617-695-2778 fax**

November 8, 2004

David R. Ardito
Bisio & Dupont Building
228 County Street
Attleboro, MA 02703

RE: Kiernan v. Armored Motor Service of America, Inc. et al.
U.S. District Court, District of Massachusetts
No. 04 CV 10131

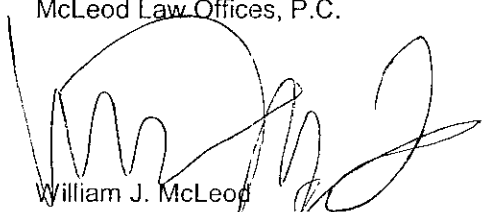
Dear Mr. Ardito:

Enclosed please find the Plaintiff's First Request for Production of Documents and First Set of Interrogatories directed to the Defendant, Francesco Ciambriello.

On October 7, 2004, the Court (Collings, U.S.M.J.) ordered that Automatic Disclosures be completed by October 20, 2004. As of this date, I have not received these mandatory disclosures from the Defendant Ciambriello. If you have sent them, please send them again to my attention at the above address. If you did not send them, kindly send them immediately via overnight mail. Please be advised that if I do not receive these disclosures by November 18, 2004, I will file a Motion to Compel. Please consider this letter as an invitation to discuss this issue further under Local Rule 7.1(a)(2), assuming it needs to be discussed.

Thank you for your time and attention.

Very truly yours,
McLeod Law Offices, P.C.


William J. McLeod

WJM

Enclosures as stated

cc: Allison Romantz & Robert Joy, with enclosures
Heather Kiernan, with enclosures